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TOWN OF DEDHAM

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**TOWN OF DEDHAM
ZONING BOARD OF APPEALS
DECISION**

APPLICANT:	Italian American Citizens Club
PROJECT ADDRESS:	21 Allen Lane, Dedham, MA
CASE #	VAR-01-16-2066
PROPERTY OWNER/ADDRESS:	Italian American Club, 1024 Metropolitan Avenue, Milton, MA 02186
MAP/LOT AND ZONING DISTRICT:	94/12, General Residence
DATE OF APPLICATION:	February 2, 2016
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter
PETITION:	To be allowed such Special Permits and/or variances as may be necessary for the alteration and extension of a pre-existing nonconforming use and structure
SECTION OF ZONING BYLAW:	Town of Dedham Zoning Bylaw Sections 3.1.3, 3.3, 3.3.1, 3.3.2, 3.3.3, 3.3.4, 9.2, 9.3, and Tables 1 and 2
REPRESENTATIVE:	Charles Prisco, Jr., Vice President
DATE FILED WITH TOWN CLERK:	MARCH 30, 2016

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, March 16, 2016, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings, and notification regarding each hearing was sent to the neighboring towns (Boston, Needham, Canton,

and Westwood). Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning/Zoning Department.

At 7:00 p.m., the Chairman called for the hearing on the petition of the Italian American Citizens Club to be allowed such Special Permits and/or variances as may be necessary for the alteration and extension of a pre-existing nonconforming use and structure. *Town of Dedham Zoning Bylaw Sections 3.1.3, 3.3, 3.3.1, 3.3.2, 3.3.3, 3.3.4, 9.2, 9.3, and Tables 1 and 2*

The Applicant was represented by Charles Prisco, Jr., Vice President of the Italian American Citizens Club. He was accompanied by Charles Prisco, Sr., 81 Highland Street, Canton, MA, also a member of the club. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference. It is to be noted that a Special Permit was granted on November 14, 2012 (ZBA decision VAR-10-12-1600), but lapsed, requiring the Applicant to file for another Special Permit.

The subject property is known and numbered as 21 Allen Lane, Dedham, MA and is shown on Dedham Assessors' Map 94, Lot 12. The certified plot plan indicates that the Subject Property contains 22,546 square feet of land and has 128.26 feet of frontage on Churchill Place and a total of 168.95 feet on Allen Lane. According to the Dedham Zoning Map, the Subject Property is located in the zoning district. Currently, the property is occupied by a function hall and fraternal organization. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1950.

At the time of the hearing, there were only three voting members of the Zoning Board of Appeals, with Member J. Gregory Jacobsen recusing himself because he is a member of the Italian American Citizens Club. The hearing was therefore continued to Thursday, March 24, 2016.

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Thursday, March 24, 2016, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., Scott M.

Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. Member J. Gregory Jacobsen again recused himself because he is a member of the Italian American Citizens Club. The Chair appointed Associate Member Jessica L. Porter to sit in his stead.

The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings, and notification regarding each hearing was sent to the neighboring towns (Boston, Needham, Canton, and Westwood). Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning/Zoning Department.

At 7:01 p.m., the Chairman called for the hearing on the petition of the Italian American Citizens Club to be allowed such Special Permits and/or variances as may be necessary for the alteration and extension of a pre-existing nonconforming use and structure. *Town of Dedham Zoning Bylaw Sections 3.1.3, 3.3, 3.3.1, 3.3.2, 3.3.3, 3.3.4, 9.2, 9.3, and Tables 1 and 2*

The Italian American Citizens Club wants to construct a 900 square foot addition and make it handicapped accessible, including entrance and bathrooms. There will be no change in seating. The handicapped entrance will allow people to enter the building at the same time. On January 28, 2016, the Town of Dedham Planning Board approved a parking plan with the condition that it is to be paved no later than three years from the date that the building permit is issued for the addition. They will be striping the parking spaces. A number of regulatory steps have been triggered that were not triggered previously because they were nonconforming. They now have to address all the areas in which they need to become compliant. If they are unable to do that, they need relief from the Zoning Board of Appeals. They have done everything they could possibly physically do within the confines of the lot.

No one appeared in opposition to the requested special permits or waivers.

Upon motion being duly made by and seconded by Scott M. Steeves and seconded by Jessica L. Porter, the ZBA voted unanimously (5-0) to grant and approve such special permits as required for the alteration and extension of a pre-existing nonconforming use and structure.

In granting said special permit, the ZBA finds that the adverse effects of Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood.

Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

Dated: March 24, 2016

James F. McGrail
James F. McGrail, Esq.

Scott M. Steeves
Scott M. Steeves

E. Patrick Maguire
E. Patrick Maguire, LEED AP

Jason L. Mammone
Jason L. Mammone, P.E.

Jessica L. Porter
Jessica L. Porter

Attest, by the Administrative Assistant:

Susan N. Webster
Susan N. Webster

Materials Submitted:

- ZBA application
- Copy of Town of Dedham Zoning Board of Appeals decision VAR-10-12-1600
- Copy of ZBA application dated October 4, 2012
- Copy of previous petition statement submitted with October 4, 2012, application, prepared by Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Certified plot plan dated July 8, 2012, prepared by Michael A. Trowbridge, Hutchins Trowbridge Associates, Inc., 200 Chancy Street, Mansfield, MA 02052
- Copy of Town of Dedham Planning Board Certificate of Action dated January 28, 2016